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Jury Told of Order to Cut Troop Count

By M. A. FARBER

Michael F. Dilley, a retired Army major, testified yesterday at the trial of Gen. William C. Westmoreland's libel suit against CBS that he was ordered by a colonel in June 1967 to reduce "arbitrarily" estimates of the Vietcong's political cadre.

Major Dilley — who was then a lieutenant in General Westmoreland's intelligence operation in Saigon — said the figures for the political cadre were cut in early June from 139,000 to 114,000 and, later that month, to a range of 90,000 to 94,000.

On neither occasion, he said, was the reduction justified by military intelligence.

The major appeared in Federal District Court in Manhattan as the 15th witness for CBS in the 18-week-old trial before Judge Pierre N. Leval. The basis for General Westmoreland's \$120 million suit is a 1982 CBS documentary — "The Uncounted Enemy: A Vietnam Deception" — that charged the general's command with engaging in a "conspiracy" to show progress in the war in 1967 by understating North Vietnamese and Vietcong capabilities.

Self-Defense Forces at Issue

Much of the trial has focused on General Westmoreland's decision in the fall of 1967 to delete the Vietcong's part-time, local self-defense forces from the official listing of enemy strength known as the order of battle. The broadcast described this move as a "new tactic" to keep overall estimates low. But CBS lawyers — going beyond even the specific allegations on the broadcast — have accused the general's command of "arbitrarily" reducing the figures for other categories

in the order of battle as well, including the political cadre.

The political cadre, sometimes called the Vietcong's "shadow government" or "infrastructure," was defined by the American military as the political apparatus by which the enemy sought to gain and keep control over the people of South Vietnam.

Major Dilley testified that he was an analyst in the order-of-battle section of the intelligence operation from September 1966 to September 1967, when it was headed by Col. Gains Hawkins. The order of battle itself is a document published monthly by the command.

The major said he was responsible for compiling data only on the political cadre. Other elements in the order of battle — at least until changes were instituted in October 1967 — included the enemy's regular forces, administrative or support troops, guerrillas and self-defense units.

Major Dilley said that in the spring of 1967, as the result of a special intelligence program, the officers in his section concluded that the political cadre numbered 139,000 — exactly 100,000 more than the 39,000 figure that had been inherited in the early 1960's from the South Vietnamese Government and carried, unchanged for years, in the order of battle.

'These Numbers Are Too High'

The new figure of 139,000, the witness said, was "briefed through channels" to Maj. Gen. Joseph A. McChristian, who was General Westmoreland's chief of intelligence from 1965 to June 1, 1967. "I had a great deal of confidence in that figure," the major told David Boies, the CBS lawyer.

But in early June, Major Dilley testified, he was ordered to reduce the estimate "arbitrarily."

Q. Who gave you those orders?

A. Col. Gains Hawkins. Colonel Hawkins said "these numbers are too high — lower them" or words to that direct effect.

Q. Did Colonel Hawkins give you an evidentiary or intelligence basis for lowering the numbers then?

A. Absolutely not.

Q. Were you aware of any intelligence that justified that order?

A. No, sir.

Major Dilley said that, on this occasion, Colonel Hawkins did not specify the number by which the 139,000 figure should be cut. But it was reduced, the major said, by 25,000.

A "little later that month," Major Dilley continued, Colonel Hawkins asked to have the 114,000 lowered, too.

Q. Did the colonel tell you by how much?

A. Yes, he did. He said, "I want to be able to support an estimate between 90,000 and 94,000."

Major Dilley said he then proceeded to slash the number of political cadre hamlet by hamlet — "if we showed 4 in a hamlet, for example, we made it 3."

Q. Was there evidence to justify reductions from 4 to 3?

A. Absolutely none.

Q. Why did you do that?

A. Colonel Hawkins asked us to.

Colonel Hawkins, who was a prime source for the CBS documentary, is expected to testify for the network today.

In May 1967, Colonel Hawkins briefed General Westmoreland on new and increased estimates for both the self-defense forces and the political cadre. And in an interview for the program 14 years later with George Crile, who produced the broadcast and is now a defendant in this case, the colonel said:

"I don't want to read anyone's mind, George, but there was a great deal of concern about the impact that this new figure would have."

"They didn't want higher numbers," Mr. Crile said on the broadcast.

"That was the message," the colonel replied.

Apart from removing the self-defense forces from the monthly order of battle — and not giving a current number for them — General Westmoreland's command decided in mid-to late 1967 to put the political cadre in a separate "nonmilitary" listing, at a strength of 75,000 to 85,000.

Both actions, according to documents in the trial, were made public at a press briefing in Saigon. The immediate effect of the decisions was to lower the total enemy strength from 295,000 to a range of 223,000 to 248,000 — half the estimate favored by some analysts in the Central Intelligence Agency.

General Westmoreland's command announced in November 1967 that the political cadre was being taken out of the order of battle because "their function is not military." Similarly, the general testified at this trial that he had come to believe by 1967 that the self-defense forces were inconsequential militarily. The general led United States forces in Vietnam from 1964 to 1968.

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Major Dilley said yesterday that he believed the political cadre should have remained as part of the order of battle. "They controlled the military operations as well as the political operations," he testified. "They were very essential and vital to the enemy's prosecution of the war."

The major also said his "roommate" in Saigon, Lieut. Marshall Lynn, was ordered to reduce the number of the Vietcong's "administrative" troops.

On cross-examination, David M. Dorsen, a lawyer for General Westmoreland, attempted to show that the military had used figures like 80,000 or 90,000 for the political cadre in the spring of 1967 — and that the figures for that category were so fluid that one analyst who worked with Major Dilley believed the political cadre to number 419,000. But Major Dilley insisted that the only valid figure was 139,000.

Mr. Dorsen also brought out that Major Dilley, who served for 20 years in the Army and only became a major on the day of his retirement last fall, had virtually no contact with senior officers in Saigon who were responsible for high-level decision making.